

REMARKS

With the addition of claim 33 to 38, claims 24, 25 and 33 to 38 are currently under consideration.

Applicants gratefully acknowledge the Examiner's allowance of claim 25.

Applicants also gratefully acknowledge the Examiner's withdrawal of the objection to the drawings. In this regard, Applicants request that in the next Office communication the Examiner provide express indication of acceptance of the drawings filed on August 16, 2004.

Claim 24 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,671,464 ("Kikuchi") in view of U.S. Patent 6,658,215 ("Strasser"), or alternatively, in view of U.S. Patent 6,674,972 ("Mecozzi").

To reject a claim as obvious under 35 U.S.C. § 103(a), the prior art must disclose or suggest each claim feature, and the prior art must also provide a motivation or suggestion for combining the features in the manner contemplated by the claim. (See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990)).

Claim 24 relates to a method for compensating for phase noise, chromatic dispersion and high order PMD effects electronically that includes steps of: receiving a set of I and Q data streams; in a first stage, compensating for frequency-independent phase noise and outputting to a second stage; and in a second stage, compensating for frequency dependent chromatic dispersion and high order PMD effects.

Claim 24 as presented now provides that the first stage includes applying sinusoid attenuation functions to the set of I and Q data streams, resulting in modified I and Q data streams, and depending on a required rotation angle, inverting the modified I and Q data streams.

It is respectfully submitted that Kikuchi, Strasser and Mecozzi, either alone, or in any combination, do not disclose or suggest the features of applying sinusoid attenuation functions to the set of I and Q data streams, resulting in modified I and Q data streams, and depending on a required rotation angle, inverting the modified I and Q data streams, as provided for in the context of claim 24 as presented. It is, therefore, respectfully submitted that claim 24 as presented is allowable for at least these reasons.

Withdrawal of the obviousness rejections of claim 24 is therefore respectfully requested.

New claims 33 to 38 have been added herein and are supported, for example, on page 38, line 21 to page 39, line 16, of the Specification. No new matter has been added. Since claims 33 to 38 ultimately depend from claim 24, it is respectfully submitted that claims 33 to 38 are patentable over the references relied upon for at least the same reasons more fully set forth above in support of the patentability of claim 24.

CONCLUSION

All issues having been addressed, it is believed that the present application is in condition for allowance. Prompt reconsideration and allowance of the present application are respectfully requested.

Respectfully submitted,

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